



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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December 22, 2017

BY ECF

The Honorable Valerie E. Caproni
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: *Bonner v. Department of Defense et al.*,
No. 17 Civ. 9378 (VEC)

Dear Judge Caproni:

We write respectfully on behalf of defendants the Department of Defense ("DOD"), the Central Intelligence Agency ("CIA"), and the Federal Bureau of Investigation ("FBI") in the above-referenced action brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), to request that the Court adjourn the initial pretrial conference presently scheduled for January 5, 2018, and the corresponding December 28, 2017 deadline to submit a pre-conference letter, for approximately two weeks. This is the first request for an adjournment of the initial pretrial conference. Plaintiff consents to this request.

In his FOIA request, plaintiff seeks certain records from the defendant agencies concerning the capture, detention, and interrogation of Zayn al-Abidin Muhammad Husayn, more commonly known as Abu Zubaydah, who is being detained at the U.S. Naval Station Guantanamo Bay. Defendants respectfully request an adjournment of the initial pretrial conference because the complaint was not served on the U.S. Attorney's Office until December 11, 2017. Since that time, the undersigned attorneys have identified the appropriate contacts at the defendant agencies and gathered preliminary information concerning the status of the agencies' respective searches for responsive records. However, additional time is needed to gather further information and develop a proposed schedule for future proceedings in this case, particularly given that many of the requested documents may be classified in whole or in part. In addition, the pre-conference letter is presently due December 28, 2017, and the undersigned attorneys will be out of the office during all or part of that week because of the Christmas holiday.

The parties have conferred and are available for a rescheduled conference on January 19 and 26, 2018, if those dates are convenient to the Court.

We thank the Court for its consideration of this request.

Respectfully submitted,

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